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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/689,870

10/21/2003

Joshua K. Margulis

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10/18/2006

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EXAMINER

WU, YICUN

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/689,870	<b>Applicant(s)</b> MARGULIS, JOSHUA K.	
	<b>Examiner</b> Yicun Wu	<b>Art Unit</b> 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 13-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9,11 and 12 is/are rejected.
- 7) ☒ Claim(s) 4 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/21/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### III. DETAILED ACTION

1. Claims 1-19 are presented for examination.

#### **Examiner's Remarks**

2. Applicant's election without traverse of claims 1-12 in the reply filed on July 19, 2006 is acknowledged. Applicant has elected claims 1-12. Therefore, Applicant is reminded to formally cancel claims 13-19.

#### **Drawing**

3. Drawings are acceptable for examination purpose.

#### **Specification**

4. At page 1, paragraph [0001], applicant incorporated missing application serial number. Applicant hereby required to provide missing information including their updated status in response to this office action.

**Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5-9, and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao (U.S. Patent No. 6,078,929) in view of Schneider (U.S. Patent No. 6,944,658).

As to Claims 1 and 12, Rao discloses a method for automatically setting up a Web site for editing comprising:

selecting a common file transfer path (i.e. pathnames. Col. 3, lines 27-45) from a plurality of common file transfer paths (i.e. pathnames. Col. 3, lines 27-45);

generating a test file (i.e. application 15 sends a request or system call to kernel 13 for opening, reading, writing, closing, etc., a file. col. 3, lines 57-59);

writing the test file through the file transfer server using the selected common file transfer path (i.e. application 15 sends a request or system call to kernel 13 for opening, reading, writing, closing, etc., a file. col. 3, lines 57-59);

requesting the test file from a Web server hosting the Web site (i.e. application 15 sends a request or system call to kernel 13 for opening, reading, writing, closing, etc., a file. col. 3, lines 57-59);

determining the common file transfer path is valid when the test file is received from the Web server responsive to the requesting (i.e. If the specified file is located under a PNS. Col. 4, lines 1-14);

Rao does not explicitly teach selecting another common file transfer path from the plurality of common file transfer paths when the test file is not received from the Web server, wherein the method is repeated from the generating step using the another common file transfer path.

Schneider teaches selecting another common file transfer path from the plurality of common file transfer paths when the test file is not received from the Web server, wherein the method is repeated from the generating step using the another common file transfer path (fig. 9, item 915 and abstract and .

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Rao to include selecting another common file transfer path from the plurality of common file transfer paths when the test file is not received from the Web server, wherein the method is repeated from the generating step using the another common file transfer path.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Rao by the teaching of Schneider to include selecting another common file transfer path from the plurality of common file transfer paths when the test file is not received from the Web server, wherein the method is repeated from the generating step

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using the another common file transfer path with the motivation to reduce user burden as taught by Schneider (col. 2, lines 49-59).

As to Claims 2 and 8, Rao as modified teaches a method further comprising:  
receiving file transfer server login information from a user (col. 8, lines 45-55); and  
using the login information in the writing the test file step (col. 8, lines 45-55).

As to Claims 3 and 9, Rao as modified teaches a method wherein the generating the test file comprises:

generating a randomized file name (this is considered well known in the art); and  
generating randomized content for the test file (this is considered well known in the art).

As to Claims 5 and 11, Rao as modified teaches a method further comprising:  
comparing the test file received from the Web server responsive to the requesting, to the written test file (i.e. If the specified file is located under a PNS. Rao Col. 4, lines 1-14); and  
validating the test file when the received test file matches the written test file (i.e. If the specified file is located under a PNS. Rao Col. 4, lines 1-14).

As to Claims 6 and 12, Rao as modified teaches a method further comprising:  
requesting the file transfer path from the user when each of the plurality of common file transfer paths has been attempted (i.e. users to manage Internet files. Rao Col. 3, lines 14-20)

**Allowable subject Matter**

7. Claims 4 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Other Prior Art Made of Record**

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. U.S. patents and U.S. patent application publications will not be supplied with Office actions.

Examiners advises the Applicant that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site ([www.uspto.gov](http://www.uspto.gov) [<http://www.uspto.gov/>](http://www.uspto.gov/)), from the Office of Public Records and from commercial sources. For the use of the Office's PAIR system, Applicants may refer to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.


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Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yicun Wu whose telephone number is 571-272-4087. The examiner can normally be reached on 8:00 am to 4:30 pm, Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Yicun Wu   
Patent Examiner  
Technology Center 2100

October 13, 2006